

Serial No. 10/014,189

Docket No. US010576

REMARKS/ARGUMENTS

The Office Action dated March 13, 2006 has been reviewed and carefully considered. Claims 1, 10, 16, 22 and 23 have been Amended. Claims 1-23 remain pending, the independent claims being claims 1, 10, 16, 22 and 23. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The Examiner has objected to the content of both the Title and the Abstract. In response, Applicant submits herewith amended versions. With these submissions, applicant believes that the reasons for the Examiner's objections have been overcome. Applicant respectfully requests these objections be withdrawn.

Claims 1-23 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant has amended each independent claim to recite that a partitioning of a selection history is being effected. Applicant submits that these claims, as being directed to obtaining a useful, concrete and tangible result, now clearly comply with the requirements of 35 U.S.C. §101. Accordingly, Applicant respectfully requests that the 35 U.S.C. §101 rejections be withdrawn.

Claims 1-5 and 9-15 stand rejected under 35 USC 102(b) as being anticipated by Datta et al., Symbolic Nearest Mean Classifiers (Hereinafter, "Datta").

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Applicant respectfully disagrees with, and explicitly traverses, the Examiner's reason for rejecting the claims.

Claim 1, as amended, recites:

A method for partitioning a plurality of items into clusters of similar items, said plurality of items corresponding to a selection history by at least one third party, said method comprising identifying one or more mean items for a plurality of items, J , each of said items having at least one symbolic attribute, each of said symbolic attributes having at least one possible value;

wherein for each mean identified, a variance is computed of said plurality of items, J , for each of said possible symbolic values, x_μ , for each of said symbolic attributes; and for each of said symbolic attributes, at least one symbolic value, x_μ , that minimizes said variance as the mean symbolic value is selected; and,

wherein for at least one cluster, a given symbolic attribute has more than one value such that more than one mean symbolic value is determined for that symbolic attribute.

Support for the newly added feature that more than one mean value can be derived for an attribute or feature of a cluster is found, *inter alia*, in paragraph 0052 of the published application: "a cluster may be represented by multiple means or multiple feature values for each possible feature." This paragraph also notes how this feature is a significant improvement over the prior art: "It has been found ...[that] relying on only one feature value for each feature during the mean computation often leads to improper clustering, as the mean is no longer representative cluster center for the cluster."

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Datta teaches various algorithms associated with k-means clustering as a means of "finding groups of examples in the same class" (page 4, col. 2, second paragraph). In particular he teaches weighting, distance measures and determining the number of clusters, k. Datta notes at page 2, col. 2 that "the two main parameters to this [k-means clustering] algorithm are the distance metric for finding the closest cluster and k, the number of clusters to create." In Datta a mean of a cluster is derived. However, Datta fails to teach or suggest the newly added feature of the present invention where "for at least one cluster, a given symbolic attribute has more than one value such that more than one mean symbolic value is determined for that symbolic attribute."

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Datta cannot be said to anticipate the present invention, because Datta fails to disclose each and every element recited. As shown, Datta fails to disclose the limitations of "for at least one cluster, a given symbolic attribute has more than one value such that more than one mean symbolic value is determined for that symbolic attribute" as is recited in claim 1. Claim 10 also contains this feature and is deemed patentable over Datta for at least the same reasons.

Having shown that Datta fails to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of claims 1 and 10 have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1 and 10.

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Claims 5-8 and 16-23 stand rejected under 35 USC 103(a) as being obvious over Datta. With respect to these rejections, Applicant submits that Datta fails to teach or suggest the limitation of "for at least one cluster, a given symbolic attribute has more than one value such that more than one mean symbolic value is determined for that symbolic attribute" as is recited in independent claims 1, 16, 22 and 23. Accordingly, these independent claims are deemed patentable over Datta.

With regard to claims 2-9, 11-15, and 17-21, these claims ultimately depend from one of the independent claims, which have been shown to be allowable in view of Datta. Accordingly, claims 2-9, 11-15, and 17-21 are also allowable by virtue of their dependence from an allowable base claim.

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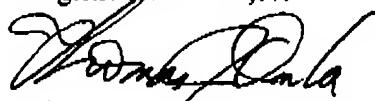
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CONCLUSION

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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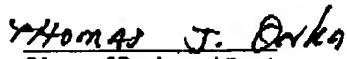
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